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ATTORNEY DOCKET NO.: KCX-518B (17507B)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of  
Donald J. McMichael, et al.  
Serial No.: 10/085,639  
Filed: February 28, 2002  
Confirmation No.: 5371  
For: Surgical Kit with Multiple Planar  
Recess Surfaces

)  
Examiner: Foster, J.  
Art Unit: 3728  
Our Account No.: 04-1403

**Provisional Terminal Disclaimer**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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TECHNOLOGY CENTER R3700

Sir:

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**The Present Application**

KIMBERLY-CLARK WORLDWIDE, INC., doing business at 401 North Lake Street, Neenah, Wisconsin 54956, is the assignee of the entire right, title and interest in and to the above-referenced present pending U.S. patent application serial number 10/085,639 filed on February 28, 2002 for "Surgical Kit with Multiple Planar Recess Surfaces".

1. Assignment of the inventor's rights in present patent application serial number 10/085,639 to KIMBERLY-CLARK WORLDWIDE, INC. is evidenced by an assignment document which has been recorded in the U.S. Patent and Trademark Office at Reel 012935, Frame 0718.

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**Commonly Assigned Patent**

KIMBERLY-CLARK WORLDWIDE, INC. is also the assignee of the entire right, title and interest in and to U.S. patent application serial number 10/085,630 filed on February 28, 2002, for "Surgical Kit for "Pull" Type Percutaneous Endoscopic Gastrostomy Procedures" by way of assignment.

Assignment of the Inventor's rights in U.S. patent application serial number 10/085,630 to KIMBERLY-CLARK WORLDWIDE, INC. is evidenced by an assignment document which has been recorded in the U.S. Patent and Trademark Office at Reel 012935, Frame 0724.

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**Right of Assignee to Prosecute**

KIMBERLY-CLARK WORLDWIDE, INC. certifies:

- (a) that the evidentiary documents have been reviewed; and
  - (b) that to the best of KIMBERLY-CLARK WORLDWIDE, INC'S., knowledge and belief, title of present U.S. patent application serial number 10/085,639 is in KIMBERLY-CLARK WORLDWIDE, INC.
- 

**Provisional Terminal Disclaimer**

KIMBERLY-CLARK WORLDWIDE, INC. hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the present U.S. patent application serial number 10/085,639, which would extend beyond the expiration date of the full statutory term, including any applicable term extension, defined in 35 U.S.C. 154 and 156 for any patent issuing from U.S. patent application serial number 10/085,630.

KIMBERLY-CLARK WORLDWIDE, INC. hereby agrees that any patent granted upon present U.S. patent application serial number 10/085,639 shall be enforceable only for and during such period that the legal title to such patent shall be the same as the legal title to any patent issuing from U.S. patent application serial number 10/085,630. This agreement shall run with any patent granted upon present U.S. patent application serial number 10/085,630 and shall be binding upon KIMBERLY-CLARK WORLDWIDE, INC., its successors and/or assigns.

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**Exception to Terminal Disclaimer**

In the event that, after the filing of this Terminal Disclaimer, a patent issuing from U.S. patent application serial number 10/085,630:

- (a) expires for failure to pay a maintenance fee;
- (b) is held unenforceable;
- (c) is found invalid by a court of competent jurisdiction;
- (d) is statutorily disclaimed in whole;
- (e) is terminally disclaimed under 37 C.F.R. 1.321(a);
- (f) has all of its claims canceled in a reexamination certificate; or
- (g) is otherwise not deemed to provide the rights conveyed by 35 U.S.C. 154 prior to the expiration of its full statutory term;

KIMBERLY-CLARK WORLDWIDE, INC., specifically does not disclaim any terminal part of any patent granted on the present U.S. patent application serial number 10/085,639 prior to the expiration date of the term defined in 35 U.S.C. 154 and 156, including any term extensions, as applicable to any patent granted on U.S. patent application serial number 10/085,630.

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**Fee**

Pursuant to 37 C.F.R. 1.321(c)(1), please charge the \$110.00 fee due in accordance with 37 C.F.R. 1.20(d) to Kimberly-Clark Worldwide Inc.'s deposit account number 11-0875. This Terminal Disclaimer is filed in duplicate.

Respectfully submitted,

DORITY & MANNING, P.A.



STEPHEN E. BONDURA

ATTORNEY OF RECORD

REG. NO. 35,070

Date: 12/15/03



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CERTIFICATE UNDER 37 C.F.R. §3.73(b)

Applicant: DONALD J. McMICHAEL ET AL.

Application No.: 10/085,639 Filed: 2/28/02

For: SURGICAL KIT WITH MULTIPLE PLANAR RECESS SURFACES

KIMBERLY-CLARK WORLDWIDE, INC., a Corporation,

(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

certifies that it is the assignee of the entire right, title and interest in the patent application identified above by virtue of either:

A. [X] An assignment from the inventor(s) of the patent application identified above. The assignment was recorded in the Patent and Trademark Office at Reel 012935, Frame 0718, or for which a copy thereof is attached.

OR

B. [ ] A chain of title from the inventor(s), of the patent application identified above, to the current assignee as shown below:

1. From: \_\_\_\_\_ To: \_\_\_\_\_

The document was recorded in the Patent and Trademark Office at Reel \_\_\_, Frame \_\_\_, or for which a copy thereof is attached.

2. From: \_\_\_\_\_ To: \_\_\_\_\_

The document was recorded in the Patent and Trademark Office at Reel \_\_\_, Frame \_\_\_, or for which a copy thereof is attached.

3. From: \_\_\_\_\_ To: \_\_\_\_\_

The document was recorded in the Patent and Trademark Office at Reel \_\_\_, Frame \_\_\_, or for which a copy thereof is attached.

[ ] Additional documents in the chain of title are listed on a supplemental sheet.

[ ] Copies of assignments or other documents in the chain of title are attached.

The undersigned has reviewed all the documents in the chain of title of the patent application identified above and, to the best of undersigned's knowledge and belief, title is in the assignee identified above.

The undersigned (whose title is supplied below) is empowered to act on behalf of the assignee.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true: and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing there from.

Date: DECEMBER 15, 2003

Name: STEPHEN E. BONDURA, REG. NO. 35,070

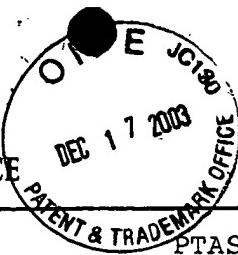
Title: ATTORNEY OF RECORD

Signature: S. E. Bondura



UNITED STATES  
PATENT AND  
TRADEMARK OFFICE

JULY 30, 2002



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ONE LIBERTY SQUARE 55 BEATTIE PL 1600  
GREENVILLE SC 29601

Chief Information Officer  
Washington, DC 20231  
[www.uspto.gov](http://www.uspto.gov)



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UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 05/29/2002

REEL/FRAME: 012935/0718

NUMBER OF PAGES: 3

BRIEF: ASSIGNMENT OF ASSIGNEE'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNEE:

MCMICHAEL, DONALD J.

DOC DATE: 04/11/2002

ASSIGNEE:

FOSTER, MARK E.

DOC DATE: 04/11/2002

ASSIGNEE:

KIMBERLY-CLARK WORLDWIDE, INC.  
401 NORTH LAKE STREET  
NEENAH, WISCONSIN 54956

SERIAL NUMBER: 10085639

FILING DATE: 02/28/2002

PATENT NUMBER:

ISSUE DATE:

SHARON BROOKS, EXAMINER  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS

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DORITY AND MANNING



DOCKET NO.: KCX-518B (17507B)

Form PTO-1595  
(Rev. 03/01)  
OMB No. 0651-0027 (exp. 5/31/2002)

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To the Honorable Commissioner o.

06/14/2002

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U.S. DEPARTMENT OF COMMERCE  
U.S. Patent and Trademark Office

d original documents or copy thereof.

## 1. Name of conveying party(ies):

DONALD J. McMICHAEL  
MARK E. FOSTER

5/29/02

Additional name(s) of conveying party(ies) attached?  Yes  No

## 3. Nature of conveyance:

- Assignment  Merger  
 Security Agreement  Change of Name  
 Other \_\_\_\_\_

Execution Date: 04/11/2002

## 4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is: \_\_\_\_\_

A. Patent Application No.(s) 10/085,639

B. Patent No.(s) \_\_\_\_\_

Additional numbers attached?  Yes  No

## 5. Name and address of party to whom correspondence concerning document should be mailed:

Name: STEPHEN E. BONDURA, ESQ.

Internal Address: Dority & Manning, PA  
P O Box 1449

Greenville SC 29602-1449

Street Address: One Liberty Square

55 Beattie Pl., #1600

City: Greenville State: SC Zip: 29601

6. Total number of applications and patents involved:  17. Total fee (37 CFR 3.41).....\$ 40.00 Enclosed Authorized to be charged to deposit account

## 8. Deposit account number:

04-1403

## 9. Signature.

STEPHEN E. BONDURA

Name of Person Signing

MAY 20, 2002

Date

Total number of pages including cover sheet, attachments, and documents: 

Main documents to be recorded with required cover sheet information to:

Commissioner of Patents &amp; Trademarks, Box Assignments

Washington, D.C. 20231



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: DONALD J. McMICHAEL  
MARK E. FOSTER

Docket No.: KCX-518B (17507B)

Serial No.: 10/085,639

Group Art Unit: 3728

Filed: FEBRUARY 28, 2002

Examiner: UNKNOWN

For: SURGICAL KIT WITH MULTIPLE PLANAR RECESS SURFACES

Assignment - Joint Inventors

Commissioner of Patents  
Washington, DC 20231

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TECHNOLOGY CENTER R3700

Sir:

WHEREAS, DONALD J. McMICHAEL, residing at 10091 SOUTH EDEN RIDGE DRIVE, SOUTH JORDAN, UTAH 84095, and MARK E. FOSTER, residing at 1885 EAST 10225 SOUTH, SANDY, UTAH 84092 (hereinafter collectively referred to as Assignors), have made an invention and have each either (1) previously executed an application for Letters Patent of the United States of America therefor or (2) are contemporaneously executing an application for Letters Patent of the United States of America for the invention with is entitled:

**SURGICAL KIT WITH MULTIPLE PLANAR RECESS SURFACES**

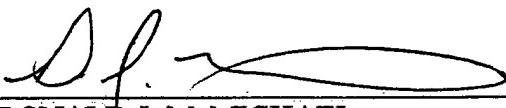
AND WHEREAS, Kimberly-Clark Worldwide, Inc., a corporation of the State of Delaware, having offices at 401 North Lake Street, Neenah, Wisconsin 54956, United States of America (hereinafter referred to as Assignee), is desirous of acquiring the entire right, title and interest in and to said invention and under said Letters Patent or similar legal protection to be obtained therefor in the United States and in any and all foreign countries.

NOW, THEREFORE, TO ALL WHOM IT MAY CONCERN: Be it known that in consideration of the payment by the Assignee to the Assignors of the sum of One U.S. Dollar (\$1.00 U.S.) and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Assignors hereby sell, assign and transfer to the Assignees the full and exclusive right, title and interest to said invention and in and to any and all Letters Patent or similar legal protection in the United States and its territorial possessions and in any and all foreign countries to be obtained for said invention by said application or any continuation, continuation-in-part, divisional, renewal, substitute, re-examination, conversion or reissue thereof, including all extensions thereof, or any legal equivalent thereof in any foreign country for the full term or terms for which the same may be granted, including any and all convention rights.

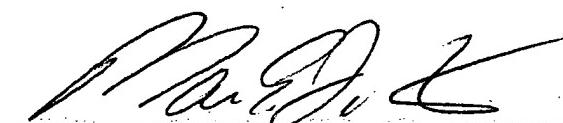
The Assignors hereby covenant that no assignment, sale, agreement or encumbrance has been or will be made or entered into which would conflict with this assignment and sale.

The Assignors further covenant that the Assignors will promptly provide, upon written request, Assignee with all pertinent facts and documents relating to said application, said invention and said Letters Patent and legal equivalents in foreign countries as may be known and accessible to the Assignors and that they will promptly execute and deliver to Assignee or its legal representatives any and all papers, instruments or affidavits required to apply for, obtain, maintain, issue, extend and enforce said application, said invention and said Letters Patent and said equivalents thereof in any foreign country which may be necessary or desirable to carry out the purposes thereof.

IN WITNESS WHEREOF, the Assignors have executed this document on the date indicated below:

  
DONALD J. McMICHAEL

Date: April 11, 2002

  
MARK E. FOSTER

Date: 4-11-02